IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

Notice of Motion No.1495 of 2001
in
Appeal Ld.Nlo.589 of 2001
in
Suit No.1643 of 1981

Messrs.Ahmed Woollen Mills & Anr. ..Appellants

Vs.

Syndicate Bank ..Respondent

Shri N.K.Mudnaney for appellants.
None for respondents.

CORAM: A.P.SHAH &
S.J.VAZIFDAR JJ.
10th January,2005

P.C.

1. Heard Advocates.

2. This is defendant's notice of motion for condonation of delay in filing the appeal.

3. The appeal is directed against the exparte decree passed in summary suit filed by the respondent Bank. The suit was filed in 1981 and the writ of summons was duly served upon the defendants. Inspite of service of summons the defendants failed to file the written statement and consequently the exparte decree came to be passed on 20th August, 1996. There is a delay of more than 5 years in filing this appeal. Explanation

given by the defendants for the delay is wholly untenable and unsatisfactory. In our opinion, no case is made out for condonation of such gross delay. Notice of motion is, therefore, dismissed.